

Parkville Special Planning & Zoning Commission
Tuesday, July 20, 2010, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:33 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Marvin Ferguson, Alderman
Judy McRuer
Bob Lock

Keith Cary
Pam Scott
Lonnie Scott
Tony Tognascioli

Members absent:

Bryant Lamer (with prior notice)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

Audience Members:

Tom Hustler
Jim McCall
John Kuhns
Carol Kuhns
Jim Brooks, Alderman

ITEM 3. GENERAL BUSINESS

Item 3(A) Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Commissioner Pam Scott moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 8-0.

Item 3(B) Approval of Minutes from the July 13, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the July 13, 2010 Planning and Zoning meeting.

Commissioner McRuer moved to approve the minutes of the July 13, 2010 Planning and Zoning Commission meeting as submitted. Commissioner Lock seconded. Motion passed 8-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11.

Chairman Katerndahl opened the public meeting and deferred to staff for a report. Director Ackerson stated that in the packets this evening was a memo that provided an overview. The Board of Aldermen had been reviewing the organization of City committees, commissions and boards over the last couple of months and adopted an ordinance in June that addressed how members are appointed, who can serve and in general, what the committees are. Ackerson stated that the item before the Planning and Zoning Commission this evening, 4A and 4B were a continuation of the Boards work.

4(A) is an amendment to Chapter 480 that defines the Board of Zoning Adjustment procedures and powers. It adds language regarding the establishment and continuation of the BZA, addresses membership, compensation, terms of offices, vacancies, removal of members, quorums, officers, identifies procedures, requirements for approval, meetings and hearings and procedures. Lastly, 4(A) includes a partial amendment to the powers, duties, functions and a section that specifically lists state statutes and the BZA's authority beyond the items previously listed.

4(B) is a similar amendment to Chapter 498 Planning and Zoning Chapter. The current P&Z Chapter was very skeletal. The proposed text would address the same issues and same categories as previously mentioned. Ackerson added that this was general housekeeping for both chapters.

Commissioner Lock asked Director Ackerson what authority the Planning and Zoning had over the Board of Zoning Adjustment. Ackerson responded that the Board of Zoning Adjustment is authorized under the City's zoning order. Amendments to the zoning code require a hearing before the P&Z who makes recommendation to the Board of Alderman.

Alderman Ferguson stated that he told Sean (Director Ackerson) that the only reason he is doing this, is to get rid of him both Boards. He added that the Missouri State Statutes allow an Alderman to serve as a voting member on the Board. Ackerson added that Alderman Ferguson is correct in that Missouri State statute allows for the creation of a planning commission; the statutes allow the Mayor to serve as well as a member of the Board of Aldermen that is elected by the Board. The Board of Aldermen recently addressed this issue in an amendment they adopted in June. On June 15, 2010 the Mayor and Board voted unanimously to make amendments to Chapter 110 and 142. They adopted a new 142.020, which limits elected officials service on committees, commissions and boards. It states that the Mayor and Aldermen may be appointed as liaisons to committees, commissions and boards, but with the exception of the finance auditing committee, the Mayor and Aldermen may not serve as voting members. Ackerson said that was a departure from the Boards policy in the past. Alderman Ferguson stated, he is the only one affected by this.

Alderman Ferguson added that it would be removing a voting member of the Board of Aldermen from membership in both the Planning Commission and the Board of Zoning Adjustment. He could be a liaison but could not vote on the Planning Commission and/or the Board of Zoning Adjustment. He added that the Board of Zoning Adjustment makes a final determination but can be appealed to the Platte County Circuit Court. For Planning and Zoning, the final appeal is to the Board of Aldermen.

Ackerson added that with regard to 4(A), the language for the BZA, does not address the issue of having an alderman appointed. It calls for 5 members, as residents of the City, to be appointed by the Mayor and Board of Aldermen. It does not address Aldermen service, rather the amendment that the Board approved does.

Ackerson said on 4(B), 498.010, states that the Planning and Zoning Commission may not consist of more than 15 or less than 7 members, including the Mayor, if the Mayor so chooses and a member of the Board of Aldermen, if the Board chooses to have a member serve on the Commission. The proposed amendment, 498.020, states; membership, the Planning and Zoning Commission shall consist of 9 members, and shall be citizens of the City. Members shall be appointed by the Mayor and approved by the Board of Aldermen in accordance with the provisions with Chapter 110, Section 110.040 and Chapter 142 (the new sections that were adopted by the Board in June).

Commissioner Pam Scott asked about the intent of a prior text amendment that defined advisors and why they would not be bound by committee procedures, rules and regulations. Ackerson explained that the Board created a new committee structure. Generally, the discussions have stemmed around the fact that the City had adopted codes and regulations that defined what determined conflicts of interest. This new proposed amendment created a new category of advisors where those individuals could advise in particular areas, without having a direct conflict of interest. Ackerson added that was actually part of an amendment a year or so ago, but had been on the books for some time now. Discussion ensued.

Commissioner Lock asked if the Planning Commission passed the amendments if Alderman Ferguson would still serve. Ackerson answered the Planning Commission would be amending the regulations to reflect the policy that the Board previously adopted. Chairman Katerndahl clarified that P&Z is not precluding the Mayor or Alderman from serving on the Commission. Ackerson added that Chapters 480 and 498 does not preclude an Alderman or elected official from serving. It was the amendments that the Board previously passed in Sections 110 and 142 that precluded service. He said that at this point, he did not know the correct answer to Commissioner Lock's question, and thought it would be a question for the Board.

Discussion ensued about how the Board might address Mr. Ferguson's position. Commissioner Lock stated that obviously Mr. Ferguson is a citizen, he could be appointed as a citizen but his question was would that serve as a reappointment as a citizen, or would there be a vacancy. Chairman Katerndahl asked if they just leave it alone and he would continue to serve, and then added that would be in violation of the Board's policy.

Alderman Ferguson inquired about his recent election to Vice Chairman of the Board of Zoning Adjustment. He stated that he thought he was a lame duck. Ackerson said that was another matter for the Board of Aldermen. He added that the Planning and Zoning Commission's job tonight, was to act on the proposed amendment.

Alderman Ferguson stated he received this information late and felt that he did not have enough time to read the information. He thought it was ramrodding stuff through.

Ackerson called attention to this memorandum that clearly states this information is being sent out late and recommended to postponing it if not comfortable with it. Chairman Katerndahl agreed, adding that was the Commissions decision. Ackerson stated that the Commission was well within its rights to ask the Mayor or a Board representative to come and explain the Board's policy or the City attorney to address the State statutes.

Commissioner Pam Scott asked about advisors and whether or not the Sunshine Laws are applicable. She added that she understood why they cannot vote, but doesn't understand that they don't abide by the same rules and regulations that any other appointed member would follow.

Ackerson answered that in all cases they would have to abide by the Sunshine Law. There is nothing in our code that would circumvent the Sunshine Law. Ackerson explained that the Board, CLARB or other Commissions have special topics that they undertake and will create advisory committees. Several of the people that get appointed to the advisory committees, have a conflict of interest, because they may have a business in Parkville. What the Board had not intended to do, but did, was disallow any expert from serving on those advisory committees. This was an attempt to be able to allow an expert to advise them and provide valuable input.

Chairman Katerndahl stated that with no further questions, the Commission could either approve the amendments as presented or they could be postponed.

Commissioner Tognascioli moved to hold items 4(A) and 4(B) over until the next Planning and Zoning meeting. Commissioner Cary seconded. Motion passed 8-0.

Chairman Katerndahl explained to the Commission that if they would like a Board member or the City Attorney to speak on this matter in the future, to contact Director Ackerson.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12.

See summary and action from 4A above.

Item 4(C) An amendment to Parkville Municipal Code, Title IV, Chapter 442, Section 442.055 to repeal and replace subsections E and F redefining permitted and prohibited signs in the "OTD" Old Town District. Case No. PZ10-05.

Chairman Katerndahl deferred to staff.

Alderman Ferguson asked to be excused due to a previously scheduled Executive Session with the Board of Aldermen at 6:02 p.m.

Director Ackerson stated that public workshops, several meetings, a walk around the downtown area looking at different types of signage, generally, it was time for the Main Street Association and the City of Parkville's sign regulation to meet in the middle and make some changes. He said that reformatting the regulations in the past proved cumbersome and that at this point, it had been simplified to two categories; those permitted outright and those permitted by exception. He added that there was still a category of prohibited signs and that previously many types of signage were not allowed.

Commissioner Pam Scott asked about section #2, E, regarding applied vinyl. She saw signage to that degree that did not work at all. She felt it did not meet the intent of the signage

regulations, in that some appeared to be peeling off. Commissioner Lock asked if the Commission could add the verbiage “properly maintained”. Director Ackerson answered that could be addressed as a sign code violation. Commissioner Pam Scott inquired as to why no etching was allowed. Ackerson answered that etching prohibition was somewhat typical in the older districts. It is very difficult to replace windows once tenants moved out. He added that there are also modern alternatives, including vinyl.

Commissioner McRuer questioned Pole Signs. She stated that there needed to be some discussion of some of the signs that were in terrible condition, rusted out, some with no signage on them, with just the pole remaining. She asked if these were grandfathered in. Ackerson answered that they cannot be reused after being discontinued and that there was nothing in the code that required the pole to be removed. Chairman Katerndahl asked if that was a rule for the entire City. Ackerson answered that it was.

Chairman Katerndahl opened the public hearing.

Tom Hutsler, 173 English Landing Drive, Parkville, Jim McCall, 6118 NW Pineridge Circle, Parkville and John Kuhns, 7601 E. Forest Lakes Drive, Kansas City, all came to the podium. Mr. Hutsler started by thanking the Commission members, Director Ackerson and Alderman, Jim Brooks, for taking the time to come downtown and walk around to see the different types of signs.

He stated that this has been an ongoing process for about 3 years and it has finally come to fruition. He particularly wanted to thank Director Ackerson for his contribution of redefining the code and simplifying the process. He added that the current sign code is much easier to read. The only other issue at hand for future review would be the addition of directional and rear facing signs.

One final comment was that with regard to pole signs, he was concerned that with the way the code was now, they would be able to remain until they fall down, and would like that addressed at any future meetings.

Mr. Kuhns stated that his main concern was for appropriate, good quality paper signs to be allowed inside windows. He asked the Commission how many of them did the walk around town and those that did, did they notice the paper signs in his window at HMS Beagle along with the fact that they were not wrinkled or faded. He ended with stating that he would like to see paper signs allowed.

Mr. Hutsler added that with regard to maintenance of the signs, between Main Street Association and the City, there should be no problems making sure the signs are maintained.

Mr. McCall stated that he would like to thank the Planning Commission for taking their time on this, that the efforts have been great on everyone’s part. He believes this sign ordinance the clearest that he has ever seen.

Commissioner Pam Scott shared her concern about clutter. She felt there should be design guidelines with enough standardization to allow people to know where to look for information. Discussion ensued. Mr. Hutsler agreed that in the future, design guidelines should be looked at. Mr. McCall stated that he would be in favor of pursuing a design committee but the current process must not be slowed down. If standards are created, some of the downtown business owners would need financial help and the result should be guidelines versus ordinance. He would like to see some standardization, especially with regard to directional signs. Weston and North Kansas City are two great examples where directional signs help to create the district.

Mr. Kuhns added that from meeting with various downtown merchants, he thought there would be a pull back from any type of harsh standards. He felt that they want their own look, their own eclectic, artsy feel. He felt there were not enough signs or ability to find things.

Commissioner Pam Scott enquired about pole signs. Discussion ensued about alternatives. Removal of old signs and maintenance were concerns. Equal treatment in all zones was a stated objective.

Mr. Kuhns returned to the podium to reiterate that he would like to have paper signs included with the phrasing "with proper maintenance" added to what is being voted on. Commissioner Pam Scott asked Mr. Kuhns why he preferred paper signs over more permanent signs. Cost was sighted as the main reason, but he also was able to produce it himself. Kuhns added that another advantage of the paper signs it allows light to filter through the window. His paper does not fade.

Commissioner Tognascioli asked how the signs were applied. Mr. Kuhns replied that he used double stick tape. Chairman Katerndahl and Commissioner Pam Scott both admitted to having a problem with double stick tape due to the cheap appearance. Mr. Kuhns added that he did not think they needed to go into details with types of tape, paper, etc., as long as it was properly maintained.

Commissioner Tognascioli voiced his general opposition. Chairman Katerndahl said that the Commission did not intend for Director Ackerson and staff to have to go "maintenance watching" as part of the new changes. Mr. Kuhns said that the Main Street Association, at least in downtown would help to police that the signs are properly maintained.

Chairman Katerndahl called for further discussion. Seeing none he closed the meeting and called for a motion.

Commissioner Keith Cary moved for the adoption of the amendment. Commissioner Lonnie Scott seconded. Motion passed 7-0.

Item 4(D) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (staff requests that this item be postponed to a later date)

Ackerson reiterated that this item will remain postponed until the August 10, 2010 meeting.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

**Commissioner Tognascioli moved to adjourn. Commissioner Lonnie Scott seconded.
Motion to adjourn passed 7-0.**

Meeting adjourned at 6:37 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

Date

8/06/10

Information on these items is maintained at Parkville City Hall and is available for viewing during normal office hours. Planning Commission decisions are recommendations forwarded to the Parkville Board of Aldermen meeting unless otherwise noted. Inquiries on items contained herein can be made by visiting Parkville City Hall at 8880 Clark Avenue, Parkville, or by calling the Community Development Department at (816) 741-7676.